

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JERRY WAGNER, as Guardian of LESLIE  
CARLE STEWART, a legally incapacitated  
person

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, an Illinois  
corporation

Defendant.

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Case No. 10-11733

HONORABLE ARTHUR J. TARNOW  
SENIOR UNITED STATES  
DISTRICT JUDGE

HONORABLE PAUL J. KOMIVES

**ORDER OVERRULING PLAINTIFF'S OBJECTION [39] TO MAGISTRATE JUDGE'S  
ORDER [34] GRANTING DEFENDANT'S MOTION TO COMPEL [17] AND  
TERMINATING AS MOOT PLAINTIFF'S MOTION TO STAY [40]**

Now before the Court is 1) Plaintiff's Objection [39] to the Magistrate Judge's Order [34] granting Defendant's Motion to Compel [17] regarding the production of "any notes made by any attendant care provider that document attendant care services provided" to Plaintiff and 2) Plaintiff's Motion to Stay [40] the Magistrate Judge Order in question.

The standard of review set forth in Federal Rule of Civil Procedure 72(a) governs this nondispositive matter. Fed. R. Civ. P. 72(a). Pursuant to that rule, "The district judge in the case must consider timely objections and modify or set aside any part of the [Magistrate Judge's] order that is clearly erroneous or is contrary to law." *Id.*

The Court has reviewed the entire record and sees no basis for sustaining Plaintiff's objection. Plaintiff has failed to cite any authority to establish that the Magistrate Judge's finding was clearly erroneous. The information sought by Defendant is fact information, as determined by the Magistrate Judge, which is discoverable. Furthermore, the Order allows for redaction of any

information that may be characterized as confidential communications made for the purpose of securing legal advice. Order [34], at 4.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Objection [39] is **OVERRULED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Stay [40] is **TERMINATED AS MOOT**.

**SO ORDERED.**

Dated: August 29, 2011

s/Arthur J. Tarnow  
ARTHUR J. TARNOW  
SENIOR UNITED STATES DISTRICT  
JUDGE

I hereby certify that a copy of the foregoing document was sent to counsel of record on August 29, 2011 by electronic and/or ordinary mail.

s/Michael Williams  
Relief Case Manager for the  
Honorable Arthur J. Tarnow